

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims have been amended. Previously new claims 41-46 were added. No new matter is added. Claim 17 was previously cancelled without any prejudice and/or disclaimers. Currently, claims 1-16 and 18-46 are pending.

Response to Claim Rejections:

Rejection of Claims 1, 11, 13, 14, 21, 29, 31, 33, 39, 40, 43, and 44
under 35 U.S.C. 103(a)

Claims 1, 11, 13, 14, 21, 29, 31, 33, 39, 40, 43, and 44 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al. (U.S. Pat. No. 6,405, 045), in views of Lee (U.S. Pat. App. No. 2004/0165529).

The above rejections are respectfully traversed.

With respect to claim 1, it recites a communication apparatus for a base station. The apparatus comprises a means for detecting various overloads caused on the base station, and a means for implementing a set of control mechanisms to reduce the load. Claim 1 also recites: “wherein the control mechanism used to reduce the load on the base station is selected based on a plurality of types and a degree of the overload on the base station; and wherein each type is associated with at least one of the parameters.” (Emphasis added.)

With respect to the above emphasized features, the Examiner cites Choi for the selection based on a plurality of types feature, and cites Lee for the selection based on the degree of the overload.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and content of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007). To establish a *prima facie* case of obviousness, the prior art references "must teach or suggest all the claim limitation." M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection "should be made explicit." KSR, p. 14. Rejections on obviousness grounds can not be sustained by mere conclusory statements; instead, there must be some articulated reasoning the some rational understanding to support the legal conclusion of obviousness.

With respect to the above, the Applicants respectfully disagree with the Examiner in regards to the obviousness rejections raised, because of the following reasons.

First, the above claims are distinguished from Choi in several ways. For example Choi does not disclose a plurality of control mechanisms, wherein the control mechanism used to reduce the load on the station is selected based on a plurality of types; and wherein each type is associated with at least one of the parameters. Instead, in Choi, there is only one type of problem controlled, and that is the problem of call request overload. Choi does not handle a plurality of types such as those that may be caused due to lack of sufficient power, and rise over thermal condition, as recited, for example, in claim 45. This is clearly very different than the features disclosed in above claims.

Second, the suggested combination of Choi and Lee does not lead to the apparatus of claim 1. Even if Choi and Lee were to be combined, the resulting combination would not be an apparatus wherein the control mechanism used to reduce the load on the station is selected based on a plurality of types. Instead,

the resulting combination would only handle one type of overload--namely the call request overload and not any other types.

Third, there is no teaching, suggestion, or motivation to combine the above references. As such, the combination of above references appears to be "hindsight." Applicants therefore respectfully submit that the Examiner's conclusion of obviousness is based on improper hindsight reasoning.

Therefore, based on above, Applicants respectfully submit that the rejection of claim 1 over Choi, in view of Lee, is improper. As such, Applicants believes that claim 1 is patentable. Further, Applicants submit that claims 11, 13, 14, 21, 29, 31, 33, 39, 40, 43, and 44, being claims that include the above-recited limitations, either as an independent claim or a claim dependent on a respective independent claim, are allowable over Choi for the same reasons discussed above.

Applicants earnestly request the allowance of the claims 1, 11, 13, 14, 21, 29, 31, 33, 39, 40, 43, and 44 at the earliest possible time.

Rejections to Other Claims under 35 U.S.C. 103(a)

The remaining claims have been rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of a set of references including: Choi, Lee, Lee'068, Gandhi, Lin, Laasko, Volftsun, Padovani, Bender, Gehi, Kim, kathoh, Anderson, and Jang.

The above rejections are respectfully traversed.

Independent claims 6, 11, 19, 21, 23, 29, 32, 34, 37, 39, and 40 all recite the above-noted distinctions recited in claim 1, involving the selection of a control mechanism to reduce the load based on a plurality of types. None of the cited references, alone or in combination, discloses or suggests the distinctions. The other rejected claims are all dependent on these independent claims and, as such, they are patentable at least for those reasons listed above for the

independent claims. Additionally, Applicants believe that the above are patentable at least for those reasons presented in the response to the prior Office Action.

Therefore, claims 1-16 and 18-46 are patentable, and Applicants earnestly request the allowance of these claims at the earliest possible time.

Concluding Remarks:

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

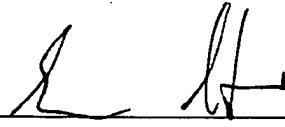
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 17-0026. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No.17-0026.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 17-0026.

Respectfully submitted,

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